

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Local #49 Operating Engineers Health
and Welfare Fund and Central Pension
Fund of the International Union of
Operating Engineers and Participating
Employers; and Local #49 International
Union of Operating Engineers and
Associated General Contractors of
Minnesota Apprenticeship and Training
Program and their Trustees,

Plaintiffs,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Northwest Bituminous, Inc.,

Defendant.

Civ. No. 07-3781 (PJS/RLE)

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

That this action is dismissed without prejudice for failure to comply with this Court's Order of October 22, 2007.

Dated: December 10, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge